

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:15-CV-206-D

JOY L. KUREK,

Plaintiff,

v.

ANDREW J. BURROUGHS, and
CATTARAUGUS COUNTY FAMILY
COURT, OLEAN, NY,

Defendants.

ORDER

On August 30, 2016, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) [D.E. 8]. In that M&R, Judge Swank recommended that plaintiff’s application to proceed in forma pauperis be granted and that the complaint be dismissed for lack of subject-matter jurisdiction. See id. On September 15, 2016, plaintiff filed objections to the M&R [D.E. 9]. On September 20, 2016, plaintiff supplemented her objections [D.E. 10].

The Federal Magistrates Act requires a district court to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record.

As for the objections, the court has reviewed the objections and the M&R de novo, and plaintiff's objections are overruled. The court ADOPTS the conclusions in the M&R [D.E. 8]. Plaintiff's application to proceed in forma pauperis [D.E. 5] is GRANTED, and plaintiff's complaint is DISMISSED for lack of subject-matter jurisdiction. Plaintiff's motion for a temporary restraining order [D.E. 6] is DENIED.

SO ORDERED. This 21 day of September 2016.


JAMES C. DEVER III
Chief United States District Judge